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JPW

MS PETITION  
Docket No.: 0369-0208P  
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Shinichirou KASHIWAGI et al.

Application No.: 10/084,187

Confirmation No.: 006251

Filed: February 28, 2002

Art Unit: 3682

For: BEARING DEVICE

Examiner: L. Footland

PETITION TO WITHDRAW ABANDONMENT  
SINCE ISSUE FEE WAS TIMELY PAID

MS Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

April 10, 2006

Sir:

In response to the Notice of Abandonment mailed March 20, 2006, which issued in connection with the above-identified application, this is a Petition to withdraw the "abandonment status" of the present application, since the Issue Fee was timely paid on July 6, 2005.

1. EVIDENCE

As evidence of the fact that the Issue Fee was timely paid, enclosed herewith are the following:

- a copy of the ISSUE FEE Transmittal filed July 6, 2005; and
- a copy of the postcard receipt which was date-stamped on July 6, 2005.

Prior to the payment of the issue fee, a Letter Requesting Initialed PTO 1449 Form was filed in the Patent Office on May 3, 2005. The issue fee was then paid on July 6, 2005. The requested initialed PTO 1449 Form was subsequently forwarded to the undersigned. However, the initialed form was mailed from the USPTO together with a corrected Notice of Allowance dated July 29, 2005. Since the Issue Fee had been paid on July 6, 2005, this form was disregarded as improper. The present abandonment may have occurred because of the issuance of the second notice of allowance.

Since the Issue Fee was timely paid in this application on July 6, 2005, it is requested that the abandonment status of the present application be immediately removed so that the patent may issue as soon as possible.

If the U.S. Patent Examiner has any questions regarding the above matters, please contact Applicants' representative, James M. Slattery, at the phone number listed below.

It is submitted that no fees are required for filing this Petition, since the error occurred because of a mistake on the part of the U.S. Patent and Trademark Office.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: April 10, 2006

Respectfully submitted,

By

  
James M. Slattery

Registration No.: 28,380

BIRCH, STEWART, KOLASCH & BIRCH, LLP

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Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant

Attachments: Copy of ISSUE FEE Transmittal  
Copy of Postcard Receipt



## PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: MailMail Stop ISSUE FEE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
or Fax (703) 746-4000

COPY

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

2292

7590

04/06/2005

BIRCH STEWART KOLASCH & BIRCH, LLP  
PO BOX 747  
FALLS CHURCH, VA 22040-0747

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

## Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (703) 746-4000, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,187	02/28/2002	Shinichirou Kashiwagi	0369-0208P	6251

TITLE OF INVENTION: BEARING DEVICE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$300	\$1700	07/06/2005

EXAMINER	ART UNIT	CLASS-SUBCLASS
FOOTLAND, LENARD A	3682	384-537000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.563).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

- 1 BIRCH, S TEWART,
- 2 KOLASCH & BIRCH, LLP
- 3

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

Koyo Seiko Co., Ltd.

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Osaka, Japan

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fee(s) are enclosed:

☒ Issue Fee☒ Publication Fee (No small entity discount permitted)☒ Advance Order - # of Copies four (4)

4b. Payment of Fee(s):

☒ A check in the amount of the fee(s) is enclosed.☐ Payment by credit card. Form PTO-2038 is attached.☐ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number 02-2448 (enclose an extra copy of this form), if necessary.

5. Change in Entity Status (from status indicated above)

☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature

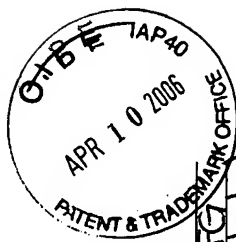
Typed or printed name

James M. Slattery

Date July 6, 2005Registration No. 28,380

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

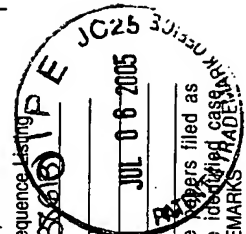
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Papers Filed herewith on: 7-6-05  
DOCKET NO.: 0369-0208P ATTY.: JMS/RTG  
APPLICANT(S): Shinichirov KASHIWAGI et al.  
APPLN. NO: 10/084,187 FILED: 2-28-02  
PAT NO.: \_\_\_\_\_

DOCKET NO. 0369-0208P

- ☐ New Application with Transmittal Letter  
☐ Utility ☐ Design ☐ CIP ☐ PCT ☐ Provisional  
☐ Filing Under 37 CFR 1.53(b) ☐ CONT ☐ DIV  
☐ Filing Under 37 CFR 1.114(RCE)  
☐ Specification Consisting of: \_\_\_\_\_ pages  
☐ Combined Declaration & Power of Attorney  
☐ Assignment / Cover Letter  
☐ Letter to Official Draftsman  
☐ Drawings — Sheets ☐ Formal ☐ Annotated  
☐ Completion of Filing Requirements, PCT/DO/EO/905  
or Formalities Letter and Executed Declaration  
☐ Priority Document(s) / Cover Letter, No. Doc. \_\_\_\_\_  
☐ Amendment: \_\_\_\_\_  
☐ Transmittal Ltr ☐ Large Entity ☐ Small Entity  
☐ Response  
☐ Information Disc Stmt. PTO-1449(s) \_\_\_\_\_ doc(s)  
☐ PTO / ISA / 210  
☐ Notice of Appeal  
☒ Issue Fee Transmittal ☐ Appeal Brief  
☒ FEES: \$172.00 (CHK # 903616) ☐ Sequence Listing  
☐ Letter: \_\_\_\_\_  
☐ Other: \_\_\_\_\_



Receipt is hereby acknowledged of the papers filed as indicated in connection with the above identified case.  
COMMISSIONER OF PATENTS AND TRADEMARKS  
Due Date: 7-6-05  
Handcarry: \_\_\_\_\_